

REMARKS

Claims 1-3, 7 and 12-16 are pending in the present application. Claims 8-10 are herein cancelled. New claims 12-16 have been added. Claims 2 and 3 have been allowed as noted in the Office Action. No new matter has been entered.

Allowed Claim

Applicants acknowledge that claims 2 and 3 remain allowed.

Restriction

Responding to Applicants' previous response, the Examiner alleged as follows:

Applicants remarks that the claims satisfy the combination of categories provided under 37 CFR 1 .475(b)(3) and satisfy unity of invention. This is not found persuasive because in unity of invention practice, restriction is proper in a US national stage of a PCT application where the special specification technical feature does not make a contribution over the prior art. The Examiner asserts that in this application, the compound of claim 1, which is the special specification technical feature, is taught by the prior art and therefore does not make a contribution over the prior art. The Examiner also asserts that therefore restriction is proper. The Examiner also asserts that the requirement is still deemed proper.

(Office Action, page 2).

In the amendment, claims 8-10 are cancelled. New claim 12-16 added all depend from claims 1-3.

Objection to Claim

Claim 7-10 was objected to because "either one" should read --any one-- since it refers to "claims 1 to 3."

Claim 7 has been amended to depend from claim 1. As mentioned above, claims 8-10 are herein cancelled.

Rejections under 35 USC §102(a)

Claims 1 and 7 were rejected under 35 U.S.C. 102(a) as being unpatentable by Hayashi et al. (Nature, Vol. 419, No. 6906, pp. 462-465, October 2002).

Responding to Applicants' previous response, the Examiner alleged as follows:

The rejection of Claim 1 and Claim 7 under 35 U.S.C. paragraph 102 (a) incorporates the reference of Hayashi, et al. in the issue of Nature. This reference meets the components of the claims with the addition of "at room temperature" for claim 1 and with the requirement of irradiating the compound with ultraviolet light for claim 7.

(Office Action, page 4, item 5).

Hayashi et al. was published in October 2002, which is before April 18, 2003, the filing date of PCT international application (the US filing date of the present application). Therefore, Hayashi is a 35 USC §102(a) prior art reference.

However, the PCT international application claims priority of Japanese Application 2002-117314 filed on April 19, 2002, which is earlier than the publication date of Hayashi et al.

Applicants enclose a certified English translation of JP 2002-117314 to overcome the date of the Hayashi reference.

Application No.: 10/511,715
Art Unit: 1793

Amendment under 37 CFR §1.111
Attorney Docket No.: 042834

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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